Some Developments in EU Environmental Legislation, and Potential Military Implications

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Content

- Why assess and manage developments in EU environmental policy and legislation?
- Some current and recent developments
- Enforcement
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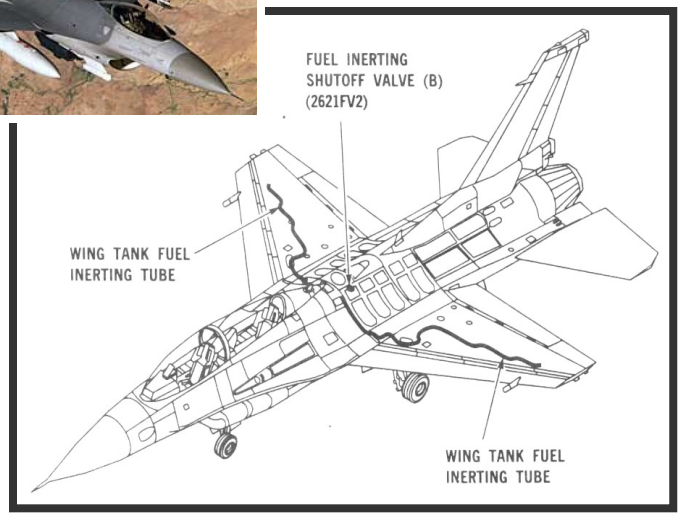
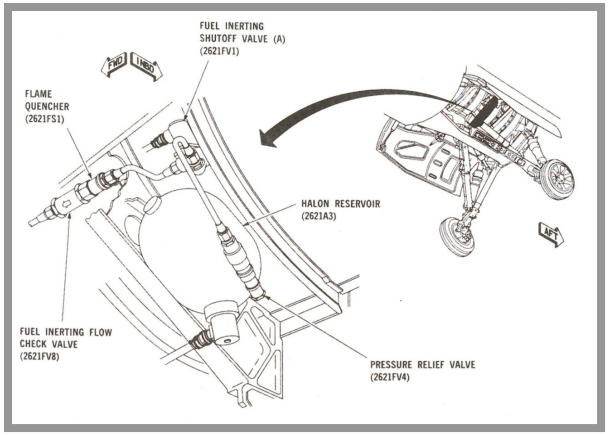
Why assess and manage EU policy and legislation developments?: F-16 Fuel Tank Inerting



Problem:
EC Regulation 2037/2000's prohibition on aircraft fuel-tank inerting (FTI) using halon 1301 threatened the F-16 mission for the 7 EU/NATO nations that fly the F-16



Solution: The UK-MOD, GE-MOD, OSD, EUCOM, and USAFE successfully worked together to request that FTI be exempted under the EC regulation – Annex VII of EC regulation was updated 8 Mar 03 to include fuel-tank inerting as critical use

Some Current and Recent Developments

- Water Framework Directive
- Proposed REACH Regulation
- Proposed Directive on Sulphur Content of Marine Fuels
- Directive on Access to Environmental Information

Water Framework Directive

- Directive 2000/60/EC
- Sets out the framework for protection and improvement of the water environment of the Community
- Requires Member States to achieve “good” chemical and ecological status by2015 (although there are some derogations to this date)
- Includes water quality and quantity
- Three particular issues of interest at present:
  - Further controls on water abstraction
  - Priority substances
  - Proposed Groundwater Directive

Water Framework Directive

- Further controls on water abstraction:
  - Potential for tighter restrictions on abstraction, or even removal of abstraction rights
- Priority substances, Annex X:
  - Reduction in discharge of priority substances (eg nickel)
  - Prevention of discharge of priority hazardous substances (eg cadmium, lead, mercury, polyaromatic hydrocarbons, some pesticides)
  - Daughter Directives needed to specify requirements

Water Framework Directive – Proposed Groundwater Daughter Directive

- Member states required to assess groundwater quality, and identify and reverse trends in groundwater pollution
- May require remediation of contaminated land, where this is causing deterioration in the quality of a body of groundwater

Proposed REACH Regulation

- REACH: Registration, Evaluation, Authorisation and Restriction of Chemicals
- Formal Commission proposal published October 2003
- Impacts:
  - Importers
  - Downstream users

Proposed REACH Regulation – potential impacts

- Importers:
  - Are substances imported? – bringing into the customs territory of the Community
  - Importer requirements: registration, risk assessment, costs
- Downstream users:
  - Chemical safety assessment may be required
  - Possible reporting of information on use and exposure to the European Chemicals Agency and back up the supply chain

Proposed Directive on Sulphur Content of Marine Fuels

- Formal Commission proposal published November 2002, currently awaiting Council common position, first reading
- 1.5% sulphur limit on marine fuels used by all seagoing vessels in North Sea, English Channel and Baltic Sea
- 0.2% sulphur limit on marine fuels used by ships while at berth in EU ports, and by inland waterway vessels
- Impacts: fuel costs, upgrades, impacts on operational effectiveness

Directive on Access to Environmental Information

- Published in Official Journal February 2003, Member States must transpose into national legislation by 14 February 2005
- Copies of environmental information held by public authorities can be requested
- Two key changes from previous regime:
  - Broader definition of “public authority”
  - Tighter restrictions on obtaining confidentiality

Directive on Access to Environmental Information – key changes

- Definition of public authority: includes other persons or bodies providing public administrative functions, as well as persons or bodies acting under their control. Now clearly includes bodies such as private water treatment/sewage treatment companies

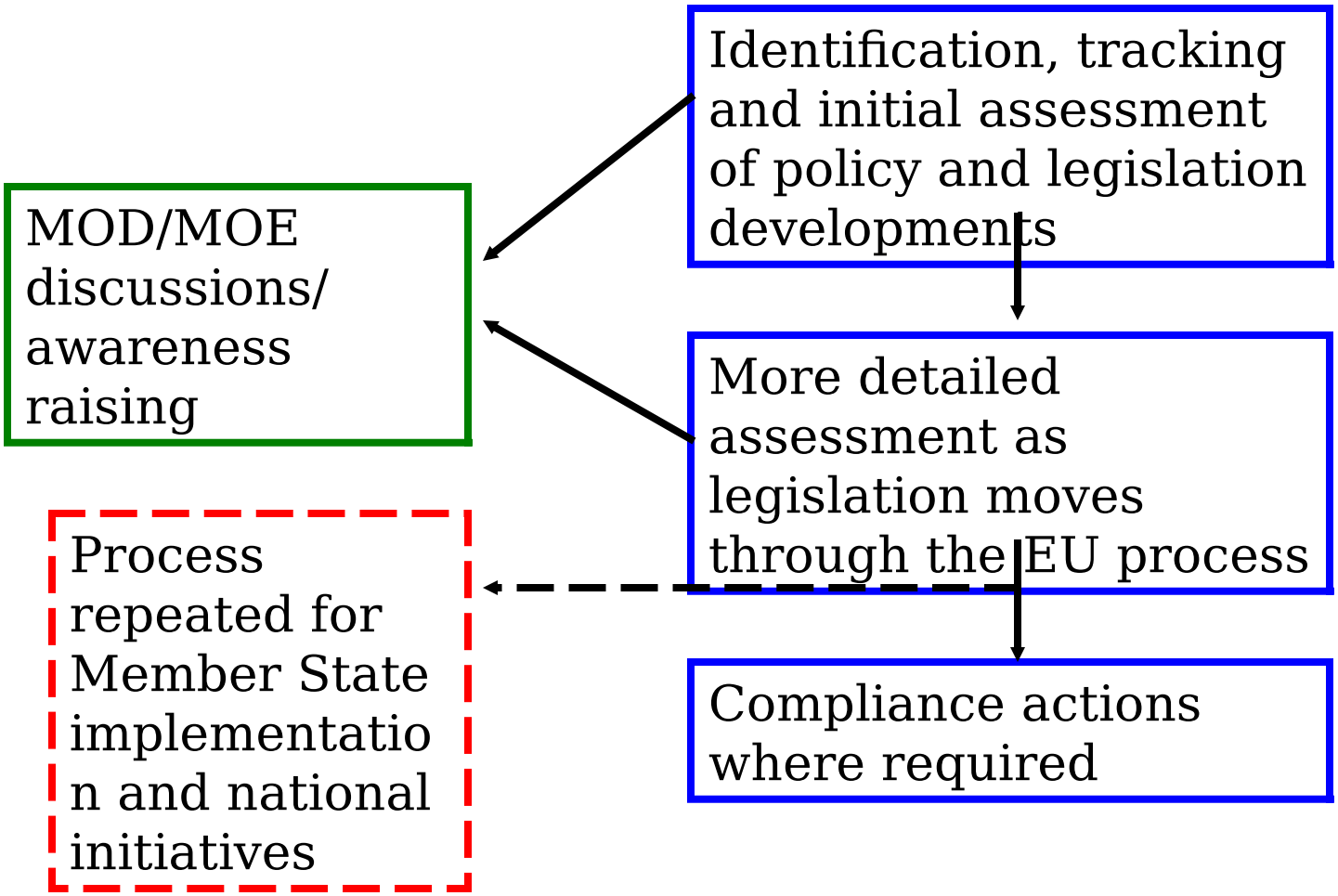
Directive on Access to Environmental Information – key changes

- Confidentiality:
  - Information may be refused on various grounds, including international relations, public security or national defence
  - However, the public authority must weigh the public interest served by disclosure against the interest served by refusal
  - Where information is deemed to be confidential, the public authority must attempt to separate out the confidential information from the requested information
- Further issue: information held by public authorities to be progressively made available electronically

Enforcement

- Continuing emphasis by the European Commission on enforcement of EU environmental legislation
- Proposed Directive on environmental crime
- Continuing co-operation between Member State regulators – IMPEL network. Possible future legislation in this area
- Resources: regulators, judicial system

Final Thoughts – managing impact and compliance


Identification, tracking and initial assessment of policy and legislation developments
MOD/MOE discussions/ awareness raising
More detailed assessment as legislation moves through the EU process
Process repeated for Member State implementation and national initiatives
Compliance actions where required

Final Thoughts – wider issues

- EU constitution
- Continuing EU enlargement

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